

From: "Friedrich, Dabney"
To: "Kavanaugh, Brett M."
Subject: FW: Updated moot schedules
Sent: Mon, 24 Oct 2005 11:52:05 -0500
[MiersWHMooterassignmentschedule12.doc](#)
[Miers moot calendar3.doc](#)

Think this is the most current.

-----Original Message-----

From: Rachel.Brand@usdoj.gov [<mailto:Rachel.Brand@usdoj.gov>]
Sent: Wednesday, October 19, 2005 7:26 PM
To: Kelley, William K.; Brown, Jamie E.; Roebke, Heather M.; Gillespie, Edward W.; Dixon, Grant; Friedrich, Dabney
Cc: Kristi.R.Macklin@usdoj.gov; Wanda.Martinson@usdoj.gov; Rachel.Brand@usdoj.gov; Kristi.R.Macklin@usdoj.gov
Subject: FW: Updated moot schedules

So sorry to keep doing this, but here's a revised schedule. I hope this one is final. Please let me know ASAP if this causes a problem for Harriet's schedule. The one from earlier today had to be changed because it didn't work for some of our non-WHCO/OLP mooters.

RLB

-----Original Message-----

From: Martinson, Wanda
Sent: Wednesday, October 19, 2005 7:05 PM
To: Brand, Rachel
Subject: Updated moot schedules

October 14 - Friday
9:30 a.m. – 1:00 p.m.

Topics:

- 1) Judicial Philosophy
- 2) *Stare decisis*
- 3) Role of foreign law

Mooters:

Judicial Philosophy: Kristi Macklin + Brett Kavanaugh
Stare decisis: Rachel Brand + Brett Kavanaugh
Role of foreign law: Rachel Brand

October 17 - Monday
9:30 a.m. – 1:00 p.m.

Topics:

- 1) Qualifications
- 2) Role of personal religion
- 3) First Amendment (speech; press; religion)

Mooters:

Qualifications: Courtney Elwood
Speech (including obscenity) and Press: Rachel Brand
Free Exercise + role of religion in judging: Ben Powell
Establishment Clause: Dabney Friedrich

October 18 - Tuesday
9:30 a.m. – 1:00 p.m.

Topics:

- 1) Substantive Due Process/unenumerated rights
- 2) Ethics, including recusals

Mooters:

Abortion: Kristi Macklin + Brett Gerry
Gay rights + end-of-life issues: Ryan Bounds
Evolution of Constitution/implied rights: Kyle Sampson
Ethics (including recusals): Richard Painter

October 20 - Thursday
1:30 p.m. – 5:00 p.m.

Topics:

- 1) Separation of Powers (including deference to Congress and the Executive; administrative state)
- 2) Substantive Due Process II

Mooters:

Deference to Congress: Rachel Brand

Deference to Executive: Raul Yanes
Congress's role vis-à-vis the Executive Branch: Dan Levin
Substantive Due Process II: Kristi Macklin

October 21 - Friday
9:30 a.m. – 1:00 p.m.

Topic:
Civil Rights

Mooters:
Gender issues (Title VII, Title IX, equal protection): Kristi Macklin
Disability and age discrimination (ADA, ADEA): Leslie Fahrenkopf
Voting rights: Brad Schlozman
Other race issues (Title VII, equal protection): Jenny Brosnahan

October 24 – Monday
9:30 a.m. – 1:00 p.m.

Topics:
1) Commerce Clause
2) Other federalism topics (state sovereign immunity/11thA; §5 14thA; 9thA & 10thA)
3) Art. III issues

Mooters:
Commerce Clause: Rachel Brand + Brent McIntosh**
State sovereign immunity/11thA, Congress's power under section 5 of the 14thA: Brett Gerry
9thA, 10thA, and general Federalism questions: Bob Hoyt
Art. III issues: Bill Kelley

**Given our experience with Roberts and Specter's interest in the topic, the majority of this moot should be focused on the Commerce Clause.

October 25 - Tuesday
9:30 a.m. – 1:00 p.m.

Topics:
1) Criminal Law and Procedure
2) Takings
3) Misc. topics (including 2ndA; antitrust; environment)

Mooters:
4th, 5th, and 6th Amendments: Bill Burck
Death Penalty + 8thA + Habeas: Neomi Rao
Sentencing and other criminal law topics + 2nd Amendment: Brent McIntosh
Takings: Kristi Macklin

Antitrust + Environment: Richard Klingler

October 26 – Wednesday

1:30-5:00 p.m.

Topics:

War powers, war on terror, enemy combatants, related topics

Mooters:

Executive power generally, including war powers and executive override: Dan Levin + Steve Bradbury

Enemy combatants: Raul Yanes

War on terrorism, including FISA and immigration authority: Rachel Brand + John Mitnick

October 27 - Thursday

1:30 – 4:30 p.m.

[Outside Experts]

1) Moot by outside experts (2 hours)

2) Follow-up with DOJ & WH

Outside Mooters: David Leitch (and others to be confirmed)

October 28 - Friday

All Day Moot

9:30 am	Specter	Richard Hertling
10:00 am	Leahy	Bob Hoyt
10:30 am	Hatch	Ryan Bounds
11:00 am	Kennedy	Kyle Sampson
11:30 am	Grassley	Dabney Friedrich
12:00	LUNCH	
1:00 pm	Biden	Raul Yanes
1:30pm	Kyl	Beth Cook
2:00 pm	Kohl	Richard Klingler
2:30 pm	DeWine	Jennifer Brosnahan
3:00 pm	Feinstein	Neomi Rao
3:30	BREAK	
4:00 pm	Sessions	Jamil Jaffer
4:30 pm	Feingold	Kristi Macklin
5:00 pm	Graham	Brent McIntosh

5:30 pm Schumer Rachel Brand
6:00 pm Cornyn Leslie Fahrenkopf

6:30 DINNER

7:30 pm Durbin Ben Powell
8:00 pm Brownback Gordon Todd
8:30 pm Coburn Grant Dixton

9:00 END

October 31 - Monday
9:30 a.m. – 1:00 p.m.

Topic:
Bush Administration domestic policy issues
ABA House of Delegates Issues

Mooters:
Domestic Policy: Kristen Silverberg + Rachel Brand
ABA: Gordon Todd

1:30-4:30
[Outside Experts]

- 1) Moot by outside experts (2 hours)
- 2) Follow-up with DOJ & WH

Outside Mooters: Ted Olson, Brad Clark, Ted Ulyot, and Tim Flanigan

November 1 - Tuesday
9:30 a.m. – 1:00 p.m.

Topics:
1) Commerce Clause II
2) Civil Rights II
3) Personal record issues II (qualifications, role of personal religion, recusals, etc.)

Mooters:
Commerce Clause: Rachel Brand
Gender Issues + disability discrimination: Kristi Macklin
Race issues, including voting rights: Brad Schlozman
Personal Record Issues: Bill Kelley

November 2 - Wednesday
9:30 a.m. – 1:00 p.m.

Topics:
Substantive Due Process III
Judicial Philosophy II

Bush Administration policy II (including war on terror and domestic policy issues)

Mooters:

Judicial Philosophy: Gordon Todd

Substantive Due Process: Grant Dixon

Bush Administration Policy: Kristen Silverberg

October

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						1
2	3	4	5	6	7	8
9	10	11	12	13	14 9:30 a.m. – 1:00 p.m. General advice re hearing Topics: 1) Judicial philosophy 2) <i>stare decisis</i> 3) role of foreign law	15
16	17 9:30 a.m. – 1:00 p.m. Topics: 1) Qualifications 2) Role of personal religion 3) First Amendment (speech; press; religion)	18 9:30 a.m. – 1:00 p.m. Topic: 1) Substantive Due Process/unenumerated rights (including abortion and end-of-life issues) 2) Ethics, including recusals	19 STUDY DAY	20 1:30 p.m. – 5:00 p.m. Topics: 1) Separation of Powers (including deference to Congress and the Executive; administrative state) 2) Substantive Due Process II	21 9:30 a.m. – 1:00 p.m. Topic: Civil Rights (including Equal Protection; other gender issues [Title VII, Title IX]; other race issues [Title VII, voting rights]; ADA; ADEA)	22
23	24 9:30 a.m. – 1:00 p.m. Topics: 1) Commerce Clause 2) Other federalism topics (state sovereign immunity/11A; §5 14A; 9A & 10A) 3) Art. III issues	25 9:30 a.m. – 1:00 p.m. Topics: 1) Criminal Law and Procedure (4thA; 5th and 6thA; death penalty; habeas; 8thA; sentencing) 2) Takings 3) Misc. topics (including 2ndA; antitrust; environment)	26 1:30 p.m. – 5:00 p.m. Topics: 1) War powers, war on terror, enemy combatants, related topics	27 2:00 p.m. – 5:00 p.m. [Outside Experts] 1) Moot by outside experts (2 hours) 2) Follow-up with DOJ & WH	28 9:00 a.m. – 8:00 p.m. ALL DAY MOOT Topics: Senators	29
30	31 (see next page)					

November						
<i>Sun</i>		<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1	2	3	4	5	
	<p>OCTOBER 31 9:30 – 12:00 Topic: Bush Administration domestic policy issues</p> <p>1:30 p.m. – 4:30 p.m. [Outside Experts] 1) Moot by outside experts (2 hours) 2) Follow-up with DOJ & WH</p>	<p>9:30 a.m. – 1:00 p.m. Topics: 1) Commerce Clause II 2) Civil Rights II 3) Personal record issues II (qualifications, role of personal religion, recusals, etc.)</p>	<p>9:30 a.m. – 1:00 p.m. Topics: 1) Substantive Due Process III 2) Judicial Philosophy II 3) Bush Administration policy II (including war on terror and domestic policy issues)</p> <p>Wrap-Up</p>	STUDY DAY	STUDY DAY	
6	7	8	9	10	11	12
	HEARING	HEARING	HEARING	HEARING	HEARING	
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

2005

December

2005